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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA

OCT 21 2010

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF IOWA

UNITED STATES OF AMERICA,)
Plaintiff,) NO. 1:10-cr-00040-RP-RW
vs.)
CESAR MARTA,)
a/k/a Cesar Meza Marta,)
a/k/a Cesar Gerardo Marta,)
a/k/a Cesar Gerald Moreno,)
a/k/a Caesar Gerardo Marta,)
Defendant.)

**REPORT AND RECOMMENDATION CONCERNING PLEA OF GUILTY
(NO PLEA AGREEMENT)**

The United States of America and the defendant, having both filed a written consent to conduct of the plea proceedings by a magistrate judge, appeared before me pursuant to Fed. R. Crim. P. 11 and LCrR 11. The defendant entered a plea of guilty to the single count of an Indictment charging him with aggravated unlawful entry after deportation, in violation of 8 U.S.C. §§ 1326(a) and 1326(b) (2). After advising and questioning the defendant under oath concerning each of the subjects addressed in Rule 11(b)(1), I determined that the guilty plea was in its entirety voluntarily, knowingly and intelligently made and did not result from force, threats, or promises. I further determined that there is a factual basis for the guilty plea on each of the essential elements of the offense in question. There is no plea agreement.

I recommend that the plea of guilty be accepted and that the defendant be adjudged guilty and have sentence imposed accordingly. A presentence report has been ordered and a sentencing status conference scheduled.

Celeste Bremer
UNITED STATES MAGISTRATE JUDGE

10.21.10
DATE

NOTICE

Failure to file written objections to this Report and Recommendation within fourteen (14) days from the date of its service shall bar an aggrieved party from attacking such Report and Recommendation before the assigned United States District Judge. 28 U.S.C. § 636(b)(1)(B). The Report and Recommendation was served this date by delivery of a copy thereof to counsel for the government and defendant in open court.